

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

STANLEY ROY VIRES,

Defendant.

CR 22–24–BU–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 78.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Vires is charged with one count of conspiracy to possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 846 (Count I), one count of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2 (Count II), one count of distribution of

controlled substances, in violation of 21 U.S.C. § 841(a)(1) (Count IV), one count of possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1) (Count VIII), one count of prohibited person in possession of firearms and ammunition, in violation of 18 U.S.C. § 922(g)(1) (Count X), and one count of conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h) (count XI), as set forth in the Indictment. (Doc. 20.) Judge DeSoto recommends that this Court accept Vires's guilty plea as to Count II, X, and XI after Vires appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 78) is ADOPTED in full.

IT IS FURTHER ORDERED that Vires's motion to change plea (Doc. 65) is GRANTED.

IT IS FURTHER ORDERED that Vires is adjudged guilty as charged in Counts II, X, and XI of the Indictment.

DATED this 28th day of October, 2022.